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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,167	08/07/2003	Silvio Lupo	36020364 US02	3595

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EXAMINER

NGUYEN, PHILLIP

ART UNIT	PAPER NUMBER
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2828

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/636,167	Applicant(s) LUPO, SILVIO	
	Examiner Phillip Nguyen	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 4 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

It is noted that the interview with applicant's attorney, Mr. Paul Greeley, on November 3rd, 2005, concerning the amended claims that have not overcome the prior art because the "laser source and said auxiliary component being mounted on the submount having a general plane of extension" does not require the laser source and the auxiliary component to be mounted on the major dimension of the submount and therefore it is not necessary that the at least one auxiliary component is at least substantially orthogonal to the general plane. Mr. Paul Greeley has agreed with this interpretation and requested to amend the claims 1 and 9 so that the laser source and auxiliary component being mounted on a general plane of a submount. Examiner also indicated that further search will be made before issuing Examiner's Amendment. At this point, Examiner has found a several references that teach the claimed invention even with the agreement being made with the attorney. The following is Final Rejection with newly found prior art.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaebe ('349).

With respect to claim 1, Gaebe discloses in Fig. 3-4 a mounting arrangement for a laser source 82 and at least one auxiliary component 92/94/96/98 associated therewith, said laser source and said auxiliary component being mounted on a general plane of a submount 110, wherein said at least one auxiliary component is mounted on said submount so that a longest dimension of said at least one auxiliary component is at least substantially orthogonal to said general plane of said submount.

With respect to claim 7, Gaebe further discloses an electrically conductive area 84 onto which both laser source and said auxiliary component are mounted.

3. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Minemoto et al. ('920).

With respect to claim 1, Minemoto discloses in Fig. 8 a mounting arrangement for a laser source 60 and at least one auxiliary component 65/66/73/74 associated therewith, said laser source and said auxiliary component being mounted on a general plane of a submount 83, wherein said at least one auxiliary component is mounted on said submount so that a longest

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dimension of said at least one auxiliary component is at least substantially orthogonal to said general plane of said submount.

With respect to claim 7, Minemoto further discloses an electrically conductive area 78 onto which both laser source and said auxiliary component are mounted.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaebe ('349) in view of Auracher et al. ('439).

With respect to claim 2, Gaebe discloses the claimed invention except for the auxiliary component being a bias inductance. Auracher discloses a mounting arrangement in Fig. 2a-5b, and 9 with a laser source 11, a submount 12, and an auxiliary component such as R_A disposed on the general plane of the submount. Auracher also discloses an RF inductor which being mounted on the board with the laser. For the advantageous benefit of the laser device, it would have been obvious to the one having ordinary skill in the art at the time the invention was made to provide a bias inductance in the laser device as taught by Auracher as applied to Gaebe in order to control the DC bias current to the laser source and to achieve a high bandwidth output (col. 6, lines 18-54).

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With respect to claim 3, it is inherent that the auxiliary component as taught by Auracher to be displaced laterally with respect to the lasing direction of the laser source in order to prevent it from blocking the laser beam.

With respect to claim 5, Auracher discloses the laser and other auxiliary components being mounted on the submount in Fig. 10 by conductive glue (col. 8, lines 7-13).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaebe ('349) in view of Auracher et al. ('727). Gaebe discloses the claimed invention except for the auxiliary component being a bias inductance. Auracher discloses a mounting arrangement with a laser source LD, a submount 6, and an auxiliary component such as L disposed on the general plane of the submount, and the auxiliary component is SMD component. For the advantageous benefit of the arrangement, it would have been obvious to the one having ordinary skill in the art at the time the invention was made to provide the auxiliary component as SMD component in order to fit directly into the submount as taught by Auracher to Gaebe.

Allowable Subject Matter

7. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 8 is allowed as indicated in the previous Office Action. Claim 9 is newly added but also allowable.

Citation of Pertinent References

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Auracher et al. discloses Configuration for Operating ...10 GBIT/S, U.S. Patent No. 6781727

The patent to Minemoto et al. discloses Laser Device, U.S. Patent No. 5436920

The patent to Auracher et al. discloses Radio-Frequency ...IT, U.S. Patent No. 6567439

The patent to Gaebe discloses Optical Isolator ...Method, U.S. Patent No. 5737349

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Nguyen whose telephone number is 571-272-1947. The examiner can normally be reached on 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY, can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James Mewer

pn,

AU 2828